IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

Bail Appl..No. 1798 of 2007()

CMP.933/2007 of J.M.F.C.,MALAPPURAM
CRIME NO.232/2006 OF VAZHAKKAD POLICE STATION

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PETITIONERS/ACCUSED

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1. SAINUDEEN METHALERI, S/O. IBRAHIMKUTTY,
   AGED 22 YEARS, METHALAYIL HOUSE,
   UMMALATHUR, MEDICAL COLLEGE P.O., KOZHIKODE.

2. ABDUL SALEEM MULAYATH, S/O. MOIDEEN,
   AGED 27 YEARS, MALAYATH MEETHAL,
   MAYANAD, KOZHIKODE.

3. JAMAL MELERPADAM, S/O. ABDUL RAHIMAN,
   AGED 27 YEARS, MELERIPADAM HOUSE,
   UTTIKATTUR P.O., KOZHIKODE.

BY ADV. SRI.K.P.MUJEEB

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1798 OF 2007

Dated this the 26th day of March, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioners, who are accused Nos.1 to 3 in Crime No.232/06 of Vazhakkad Police Station for an offence punishable under Sec.308 read with section 34 IPC, seek their enlargement on bail. The occurrence took place at about 10 a.m. on 8.10.2006. The petitioners were arrested on 12.3.2007.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that the first accused is involved in another crime for an offence punishable under section 304 IPC.

3. Having regard to the antecedents of the first accused/first petitioner, I am not inclined to grant bail to the first accused. In the case of accused Nos.2 and 3, since they were not armed with any deadly weapon, I am inclined to grant bail to them but only with effect from a future date. Accordingly, the 2nd and 3rd petitioners are directed to be released on bail with effect from 30.3.2007 on each of them executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Malappuram and subject to the following conditions:

a. The 2nd and 3rd petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. The 2nd and 3rd petitioners shall make themselves available for interrogation as and when required by the police till the filing of the final report.

c. The 2nd and 3rd petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

d. The 2nd and 3rd petitioners shall not commit any offence while on bail.

If the 2nd and 3rd petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

In the result, this application is allowed in part granting bail to the 2nd and 3rd petitioners but rejecting the request of the first accused for bail.

(V. RAMKUMAR, JUDGE)

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